

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:23-00182

BRIAN ELLIS JONES

MEMORANDUM OPINION AND ORDER

Trial of this matter is currently scheduled to begin on July 17, 2024. Pending before the court is the motion of defendant Brian Ellis Jones for a continuance of the plea hearing. (ECF No. 72.) In support of defendant's motion, counsel for defendant explains that he is scheduled to appear in Jackson County Family Court in a matter involving a child custody matter. In addition, counsel needs some time with the defendant prior to the plea hearing. Accordingly, trial of this matter is CONTINUED to 9:30 a.m. on **August 20, 2024**, in Charleston. The plea hearing will be held at 4:00 p.m. on **August 13, 2024**, in Charleston.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** defendant's motion to continue. In deciding to grant defendant's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion

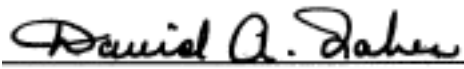
"would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 16th day of July, 2024.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge